TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No. 934.

THE UNITED STATES, PLAINTIFF IN ERROR,

vs.

FOUR HUNDRED BARRELS OF DISTILLED SPIRITS, JOSEPH ROELLE, ANTON JUNKER, AND J. P. KISSINGER, CLAIMANTS.

IN ERROR TO THE CIRCUIT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF ILLINOIS.

FILED OCTOBER 21, 1878.

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INDEX.

	Original.	Print.
Information	3	1
Stipulation for costs	6	3
Claim and petition of Louise Kraefft	8	3
Stipulation	10	4
Appraisement	11	5
Stipulation of Joseph Roelle *et al*	13	6
Claim and amended answer of Roelle, Junker & Co	14	7
Demurrer	19	9
Judgment of district court	21	9
Clerk's certificate	22	10
Judgment of circuit court	24	11
Clerk's certificate	25	11
Writ of error	26	11
Citation	27	12

1 Pleas in the circuit court of the United States for the northern district of Illinois, held at the United States court-rooms in the city of Chicago, in the district aforesaid, before the judges thereof, on Monday, the thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, and of our Independence the one hundred and third.

WILLIAM H. BRADLEY, *Clerk.*

THE UNITED STATES OF AMERICA
vs.
FOUR HUNDRED BARRELS OF DISTILLED SPIRITS.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Be it remembered that on the 22d day of June, A. D. 1877, came the said plaintiff, the United States of America, by Mark Bangs, its attorney for the northern district of Illinois, and filed in the office of the clerk of the circuit court of the United States for the northern district of Illinois, at Chicago, in the district aforesaid, a transcript of the record of the proceedings had in the district court of the United States for the
2 northern district of Illinois, in said entitled cause, which said transcript is in the words and figures following, to wit:

Transcript of the record of the proceedings in the district court of the United States for the northern district of Illinois.

3 Pleas in the district court of the United States for the northern district of Illinois, held at the United States court-rooms in the city of Chicago, in the district aforesaid, before the Honorable Henry W. Blodgett, judge, on Wednesday, the twelfth day of June, in the year of our Lord one thousand eight hundred and seventy-eight, and of our Independence the one hundred and second year.

WILLIAM H. BRADLEY, *Clerk.*

THE UNITED STATES OF AMERICA
v.
FOUR HUNDRED BARRELS OF DISTILLED SPIRITS. } Information.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Be it remembered that on the ninth day of September, A. D. 1875, came J. D. Ward, attorney of the United States for the northern district of Illinois, and filed in the office of the clerk of the district court of the United States for said district, at Chicago, in the district aforesaid, his information in said entitled cause, which said information is in the words and figures following, to wit:

Information.

District court of the United States of America for the northern district of Illinois.

Be it remembered that on this eighth day of September, in the
4 year of our Lord eighteen hundred and seventy-five, J. D. Ward, attorney of the United States for the northern district of Illinois, comes into the district court of the United States of America for the northern district of Illinois, and in the name and on behalf of the United

States of America gives the said court here to understand and be informed that heretofore, to wit, on the 25th and 26th days of August, in the year of our Lord eighteen hundred and seventy-five, to wit, at Chicago, in the northern district of Illinois, within the jurisdiction of this honorable court, one H. A. Plimpton, who then and there was the deputy collector of the internal revenue of the United States for the first collection district of the State of Illinois, did seize, as forfeited to the use of the said United States, the goods, wares, and merchandise following, that is to say, four hundred barrels of distilled spirits, containing about sixteen thousand six hundred and forty gallons, and now hath the same in his custody, as being forfeited for the causes hereinafter mentioned, to wit:

For that the said distilled spirits heretofore, to wit, on or about the 9th day of April, 1875, were then and there distilled and owned by some or persons, firm, or corporation, to said attorney unknown, which person or persons, firm or corporation, then and there did engage in and carry on the business of a distiller, with intent to defraud the United States of the tax on the spirits distilled by such person or persons, firm or corporation, contrary to the form of the statute of the said
5 United States in such case made and provided, whereby and by force of said statute the said distilled spirits have become and are forfeited to the said United States.

For that, prior to said seizure, taxes were imposed by the provisions of the internal-revenue laws upon the said distilled spirits, and the same being so subject to the payment of taxes as aforesaid, were found by the said H. A. Plimpton, deputy collector, in the possession and custody and within the control of a person or persons, firm or corporation, to said attorney unknown, for the purpose of being sold and removed by such person or persons, firm or corporation, in fraud of the internal-revenue laws and with the design to avoid payment of said taxes, contrary to the form of the statute of the said United States in such case made and provided, whereby and by force of said statute the said distilled spirits have become and are forfeited to the said United States.

For that said distilled spirits were found elsewhere than in a distillery or distillery warehouse, not having been removed therefrom according to law, contrary to the form of the statute of the said United States in such case made and provided, whereby and by force of said statute the said distilled spirits have become and are forfeited to the said United States.

And therefore, and by reason of all and singular the premises aforesaid, the said attorney of the United States, on behalf of the United States, prays the said court that due process issue to enforce
6 the said forfeiture of the said property so seized as aforesaid, and to give notice to all persons concerned in interest to appear and show cause on the return day of said process why such forfeiture should not be decreed.

J. D. WARD,
Attorney of the United States for the Northern District of Illinois.

(Endorsed:) Filed Sept. 9, 1875. W'm H. Bradley, cl'k.

Afterwards, to wit, on the sixth day of October, A. D. 1875, one Louise Kraefft filed in said clerk's office her stipulation for costs and claim and petition in said entitled cause, which said stipulation and claim and petition are respectively in the words and figures following, to wit:

Stipulation for costs.

THE UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

District court, October term, 1875.

Whereas an information was filed in this court on the ninth day of September, A. D. 1875, by J. D. Ward, U. S. dist. attorney, against the four hundred barrels of distilled spirits which are claimed by one Louise Kraefft, for the reasons and causes in the said information mentioned, and praying that the same may be forfeited and sold to answer the prayer of the libel'ant, and the said Louise Kraefft, claimant, and
7 Nathan Eisendrath and Emanuel Earnshaw, sureties, the parties hereto hereby consenting and agreeing that in case of default or contumacy on the part of the said claimant or her sureties execution may issue against their goods, chattels, and lands for the sum of two hundred and fifty dollars:

Now, therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the stipulators undersigned shall be, and are, bound in the sum of two hundred and fifty dollars, conditioned that the claimant above named shall pay all such costs as shall be awarded against her by this court or in case of appeal by the appellate court.

LOUISE KRAEFFT.
NATHAN EISENDRATH.
EMANUEL EARNSHAW.

Taken and acknowledged this sixth day of October, A. D. 1875, before me.

[SEAL.] RICHARD JOSAPHAT,
Notary Public.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

Louise Kraefft, Nathan Eisendrath, and Emanuel Earnshaw, parties to the above stipulation, being duly sworn, depose and say that they reside in the northern district of Illinois, and are worth the sum of five hundred dollars over and above all their debts and liabilities.

NATHAN EISENDRATH.

8 Sworn this sixth day of October, A. D. 1875, before me.

[SEAL.] RICHARD JOSAPHAT,
Notary Public.

(Endorsed:) Filed Oct. 6th, A. D. 1875. W'm H. Bradley, clerk.

Claim and petition of Louise Kraefft.

UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

In the district court of said district. October term, A. D. 1875.

UNITED STATES
vs.
400 BBLS. DISTILLED SPIRITS, MRS. LOUISE Kraefft, claimant.

The claim and petition of Mrs. Louise Kraefft, in the matter of the information filed in this court on the 9th day of September, 1875, in behalf of

the United States against Four Hundred Barrels of Distilled Spirits, represents and states as follows:

That she claims the said four hundred barrels of distilled spirits as her special property, and avers that the same were delivered, in lots, to her, at divers times between the first day of April, 1874, and the 24th day of August, A. D. 1875, by Roelle, Junker and Co., of Chicago, in said district, as collateral security for the payment of divers sums
9 of money, amounting altogether to the sum of sixteen thousand dollars, which said sum of money had, before said 24th day of August, been loaned by said claimant to said Roelle, Junker and Co., and was, at the date last aforesaid, and still is, due and owing from the said Roelle, Junker and Co. to the said Louise Kraefft.

That the loan was so made by her, and the said distilled spirits were so accepted by her as collateral security, as aforesaid, in good faith, and in the full assurance and belief that all the provisions of law in relation to distilled spirits had been fully complied with by said Roelle, Junker and Co., in the manufacture and removal of said spirits by them, and that she still believes that it has been so done.

That said 400 b'ls of distilled spirits are worth about the sum of eighteen thousand dollars.

That, by reason of the seizure, &c., of said spirits, the expenses attaching and accruing against the same are greatly increased and the value of her said security thereby impaired, and that she is thereby hindered from disposing of the same in order to prevent loss, &c.

And therefore prays that four hundred barrels of distilled spirits be ordered to be delivered up to her upon the execution of such bond as shall be approved by the court, and that appraisers be appointed, &c.

LOUISE KRAEFFT.

UNITED STATES OF AMERICA,
Northern Dist. of Ills., ss:

10 Louise Kraefft, being first duly sworn, deposes and says that she is the claimant above named, and that she has read the foregoing petition and knows the contents thereof, and that the same is true in substance and in fact.

LOUISE KRAEFFT.

Subscribed and sworn to before me this fifth day of October, A. D. 1875.

[SEAL.] RICHARD JOSAPHAT,
Notary Public.

(Endorsed:) Filed Oct. 6, 1875. W'm H. Bradley, clerk.

Afterwards, to wit, on the first day of December, A. D. 1877, said parties, by their attorneys, filed in said clerk's office their stipulation in said entitled cause, which said stipulation is in the words and figures following, to wit:

Stipulation.

In the district court of the United States of America for the northern district of Illinois.

THE UNITED STATES, ETC.,
vs.
FOUR HUNDRED BARRELS OF DISTILLED SPIRITS. } No. 6665.—Information.

The parties informant and claimant in this cause hereby consent that the value of the four hundred barrels of distilled spirits in the informa-

tion in this behalf mentioned be fixed at sixteen thousand dollars without appraisement.

11 Dated this first day of December, 1877.

MARK BANGS,
U. S. Attorney.

EDMUND JUSSEN,
And CHA'S H. REED,
Attorneys for Claimants.

CHICAGO, *Dec.* 1, 1877.

In the case No. 6665, United States against (400) Four Hundred Barrels Distilled Spirits, Louise Kraefft, claimant.

We, the undersigned, having been appointed by J. D. Harvey, coll. int. rev. 1st. dist. Ill., to appraise the contents and value of four hundred barrels of whiskey with warehouse of Chicago Dock Company, do agree as follows:

12,740 proof gallons, at $1.08 per gallon	$13,759 20
1,854½ proof gallons, at $1.20	2,225 40
	15,984 60

WILLIAM C. EGAN.
PAT. CAVANAGH.
JOHN ROBINSON.

Subscribed and sworn to before me this day, December 1st, 1877.
M. C. SPRINGER,
Deputy Coll.

I have no doubt above appraisement is correct.
J. D. HARVEY, *Coll.*

(Endorsed:) Filed Dec. 1, 1877. W'm H. Bradley, cl'k.

12 On the same day, to wit, the 1st day of December, A. D. 1877, said claimant filed in said clerk's office her substitution of attorneys in said entitled cause, which is in the words and figures following, to wit:

Substitution of attorneys.

United States district court, northern district of Illinois.

UNITED STATES OF AMERICA
vs.
400 BBLS. OF DISTILLED SPIRITS, LOUISE Kraefft, claimant.

I, Louise Kraefft, the above-named claimant, do hereby substitute and appoint Edmund Jussen and Charles H. Reed as my attorneys in the above-entitled suit in the place and stead of the attorneys who heretofore appeared for me, and hereby authorize the said E. Jussen and Chas. H. Reed to withdraw the plea or answer filed in my behalf in the above-entitled suit.

Dated Chicago, November 23d, 1877.

LOUISE KRAEFFT.

(Endorsed:) Filed Dec. 1, 1877. Wm. H. Bradley, cl'k.

On the same day, to wit, the first day of December, A. D. 1877, Joseph Roelle, Anton Yunker, and J. P. Kissinger filed in said clerk's office their stipulation, and at the same time filed their claim and amended answer in said entitled cause, which said stipulation
13 and claim and amended answer are, respectively, in the words and figures following, to wit:

Stipulation of Joseph Roelle et al.

THE UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

District court. October term, 1877.

Whereas an information was filed in this court on the ninth day o September, A. D. 1875, by Jasper D. Ward, then attorney of the United States of America for the northern district of Illinois, on behalf of the said United States against Four Hundred Barrels of Distilled Spirits, for the reasons and causes in the said information mentioned, and whereas a claim has been filed in said cause by Joseph Roelle, Anton Junker, and John D. Kissinger, and the said claimants and Edmund Jussen, sureties, the parties hereto hereby consenting and agreeing that in case of default or contumacy on the part of the said claimants or their sureties, execution may issue against their goods, chattels, and lands for the sum of two hundred and fifty dollars:

Now, therefore, it is hereby stipulated and agreed, for the benefit of whom it may concern, that the stipulators undersigned shall be and are bound in the sum of two hundred and fifty dollars, conditioned that the claimants above named shall pay all such costs as shall be awarded against them by this court, or in case of appeal, by the appellate court.

JOSEPH ROELLE.
ANTON JUNKER.
J. P. KISSINGER.
EDMUND JUSSEN.

Taken and acknowledged this first day of December, A. D. 1877, before me.

U. S. Commissioner.

14 NORTHERN DISTRICT OF ILLINOIS, *ss:*

Edmund Jussen, Joseph Roelle, Anton Junker, and J. P Kissenger, parties to the above stipulation, being duly sworn, each for himself, deposes and says that he resides in the northern district of Illinois, and is worth the sum of five hundred dollars over and above all his debts and liabilities.

EDMUND JUSSEN.
JOSEPH ROELLE.
ANTON JUNKER.
J. P. KISSINGER.

Sworn this first day of December, A. D. 1877, before me.

E. A. DRUMMOND,
U. S. Commissioner.

(Endorsed:) Filed Dec. 1st, A. D. 1877. W'm H. Bradley, clerk.

Claim and amended answer of Roelle, Junker and Co.

United States district court, northern district of Illinois.

UNITED STATES OF AMERICA
vs.
400 BBLS. OF DISTILLED SPIRITS.

And now come Joseph Roelle, Anton Junker, and J. P. Kissinger, heretofore transacting business under the name, firm, and style of Roelle, Junker and Co., as copartners, and claim that the property seized herein is their property, and pray that the same be delivered to them, the said claimants; and for a further answer in this behalf they say that the said property is not subject to seizure, because they say that
15 heretofore, to wit, on the 27th day of December, A. D. 1875, at Chicago, viz, at said northern district of Illinois, the said plaintiff and the said claimants entered into an agreement by which it was, among other things, agreed that if the said claimants, Joseph Roelle and Anton Junker, would testify on behalf of the plaintiff frankly and truthfully, when required, in reference to a conspiracy among certain government officials in the internal-revenue service and other parties then known to exist, whereby the honest manufacture of distilled spirits and the collection of the tax thereon had been rendered practically impossible, and should plead guilty to one count in an indictment then pending against them in said district court, and should withdraw their pleas in certain condemnation cases then pending against their property in said district court, for the purpose only of insuring their good faith in so testifying on behalf of the plaintiff, the said plaintiff would recall any and all assessments under the internal-revenue law then made against said claimants, and that no more assessments under said law should be made against said claimants, and that no more proceedings against said claimants should be commenced on account of violations of the internal-revenue laws then passed, and that no penalties or forfeitures should in any manner be enforced or recovered against them and their property, and that all suits for penalties and forfeitures then pending
16 against them and their property should be dismissed, and that full and comple' immunity, both civil and criminal, should be granted to the said claimants.

And these claimants aver that the said Joseph Roelle and Anton Junker, and each of them, have fully and faithfully performed said contract on their part; and they further aver that this suit is for the condemnation and confiscation of their property originally seized by the said plaintiff on the ground of said alleged violation of the internal-revenue law on the part of said claimants, alleged to have been committed by them prior to entering into said agreement, and is one of the said suits which the said plaintiff, under the terms of said agreement, fully kept and performed on the part of said claimants as aforesaid, agreed to dismiss and discontinue, and that the prosecution of this suit is contrary to and in violation of said agreement entered into as aforesaid, between the said plaintiff and the said claimants; and this these claimants are ready to verify. Wherefore they pray judgment if the plaintiff ought to have his aforesaid action against them, etc.

EDMUND JUSSEN
And CHA'S H. REED,
Att'ys for Claimants.

(Endorsed:) Filed Dec. 1, 1877. W'm H. Bradley, cl'k.

17 On the same day, to wit, the first day of December, A. D. 1877, in the adjourned October term of said court, in the record of the proceedings thereof in said entitled cause before the Hon. Henry W. Blodgett, judge, is the following order, to wit:

THE UNITED STATES OF AMERICA
vs.
FOUR HUNDRED BARRELS OF DISTILLED SPIRITS. } Information.

Now comes the district attorney, and now come also Joseph Roelle, Anton Junker, and John P. Kissinger, claimants of the property seized herein, by Edmund Jussen and Charles H. Reed, their attorneys, and having asked that the same be released to them on bond, in accordance with the practice of this court in revenue cases, and it appearing from the written consent and stipulation of the parties filed herein that said property is worth, in the aggregate, the sum of sixteen thousand dollars, and the said Joseph Roelle, Anton Junker, and John P. Kissinger having presented in open court the usual bond for the delivery of such property in the penal sum of thirty-two thousand dollars, which said bond is approved by the court and ordered to be filed in this cause, and which is in the words and figures following, to wit:

Know all men by these presents, that we, Joseph Roelle, Anton Junker, and John P. Kissinger, as principals, and Henry Lamparter, Henry J. Leuzen, and John Keller, as sureties, all of Chicago, Illinois, are held and firmly bound unto the United States of America in the sum of thirty-two thousand dollars, to be paid to the said United
18 States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this first day of December, in the year 1877.

Whereas an information was filed in the district court of the said United States for the northern district of Illinois, on the ninth day of September, in the year 1875, by Jasper D. Ward, then attorney of the said United States for the district aforesaid, against certain property, to wit, four hundred barrels of distilled spirits, for reasons and causes in the said information mentioned; and whereas the said property is now in the custody of the marshal of the said district under the process issued in pursuance of the prayer of the said information; and whereas the said Joseph Roelle, Anton Junker, and John P. Kissenger, now claimants of the said property, by their petition in that behalf, have prayed a delivery of the said property to them, upon their giving bond with security, and the same is about to be delivered to them according to the prayer of their said petition; and whereas the value of the said property has been fixed by consent in writing, filed in the said court, at the sum of sixteen thousand dollars:

Now, therefore, the condition of this obligation is such, that in case the said property shall by sentence or judgment of court be condemned as forfeited if the said obligors or any or either of them, or the
19 heirs, executors, or administrators of them or any or either of them, shall thereupon pay into court the said sum of sixteen thousand dollars, with lawful interest thereon, then this obligation shall be void, and otherwise shall remain in full force.

And in case of such judgment of condemnation, we, the said obligors, submitting ourselves to the jurisdiction of the court, hereby consent

and agree that a summary judgment may be entered against us, or one or either of us, for the said sum of sixteen thousand dollars, with interest as aforesaid, and that execution may thereupon issue on such summary judgment.

JOSEPH ROELLE.	[SEAL.]
ANTON JUNKER.	[SEAL.]
J. P. KISSENGER.	[SEAL.]
HENRY J. LENZEN.	[SEAL.]
JOHN KELLER.	[SEAL.]
HENRY LAMPARTER.	[SEAL.]

It is thereupon ordered that the property seized as aforesaid be delivered by Benjamin H. Campbell, the late marshal of said district, or by Jesse S. Hildrup, the present marshal, or whoever may have the custody of the same, to the said claimant.

Afterwards, to wit, on the 13th day of April, A. D. 1878, said plaintiff, by its attorney, filed in the said clerk's office its demurrer to the plea of said claimants Roelle, Junker, and Kissenger, which said demurrer is in the words and figures following, to wit:

Demurrer to plea of claimants.

20 In the district court of the United States of America for the northern district of Illinois. October term, 1877.

THE UNITED STATES, ETC.
vs.
FOUR HUNDRED BARRELS OF DISTILLED spirits. } No. 6665. Information.

And Mark Bangs, now attorney of the said United States for the district aforesaid, who, for the said United States in this behalf, now prosecutes, as to the plea of the said Joseph Roelle, Anton Junker, and John P. Kissinger, claimants in this behalf, for the said United States says, that the said plea and the matters therein contained, in manner and form, etc., are not sufficient in law to bar the said United States, etc., and that he is not bound to answer the same for the said United States; and this the said attorney, who now prosecutes as aforesaid for the said United States, is ready to verify; wherefore for want of a sufficient plea in this behalf the said attorney, who now prosecutes as aforesaid for the said United States, prays judgment, etc.

MARK BANGS,
United States Attorney.

(Endorsed:) Filed Apr. 13, 1878. Wm. H. Bradley, cl'k.

And afterwards, to wit, on the 12th day of June, A. D. 1878, in the adjourned May term of said court, in the record of the proceeding therof in said entitled cause, before the Hon. Henry W. Blodgett, judge,
21 is the following entry, to wit:

THE UNITED STATES OF AMERICA
v.
FOUR HUNDRED BARRELS OF DISTILLED spirits. } Information.

Now comes the district attorney, and the claimants of said property, Joseph Roelle, Anton Junker, and John P. Kissinger, come also by Ed-

mund Jussen and Charles H. Reed, their attorneys, and the court being now fully advised as to the demurrer of the United States to the plea filed herein (alleging that said claimants had been used as witnesses by the United States in criminal transactions against their accomplices, and had thereby become entitled to immunity from the forfeiture prayed in this case, by reason of agreement made with the United States heretofore submitted to the court, upon the arguments of the district attorney, and the arguments of the attorneys for said claimants, doth find, both from the admissions made by said demurrer and also from facts appearing upon the records and within the judicial knowledge of the court, that said claimants were used as witnesses by the government in criminal cases against their associates upon the promise and understanding that this case should be no further prosecuted. It is thereupon ordered by the court that said demurrer be overruled and this cause is dismissed, both by reason of the defence set up in said plea, and also because of the finding of the court from the facts appear-
22 ing in the record and within the judicial knowledge of the court that this cause ought not to be further prosecuted by the plaintiff; and thereupon the United States, by Mark Bangs, district attorney, pray an appeal to the circuit court, which is allowed.

NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the district court of the United States for said district, do hereby certify the above and foregoing to be a true, correct, and complete transcript of the record of all the proceedings had in said court in the cause wherein the United States of America is the plaintiff, and four hundred barrels of distilled spirits is the defendant, as the same appears from the records and proceedings of said court, now remaining in my custody and control.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office in Chicago, in said district, this 21st day of June, A. D. 1878, and of our Independence the one hundred and second year.

[SEAL] WM. H. BRADLEY, *Clerk.*

(Endorsed:) Filed June 22, 1877. Wm. H. Bradley, cl'k.

23 Afterwards, to wit, on the 22d day of June, A. D. 1878, in the adjourned May term of said court, in the record of the proceedings thereof in said entitled cause before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMERICA
v.
FOUR HUNDRED BARRELS OF DISTILLED spirits.

Now comes the district attorney, and come also the claimants of said property, by Edmund Jossen and Charles H. Reed, their attorneys, and thereupon this cause is set down for hearing upon the record from the district court filed herein, and after hearing a part of the arguments of counsel, the hour of adjournment having arrived, the further hearing is postponed until Monday morning next.

Afterwards, to wit, on the 24th day of June, A. D. 1878, in the said adjourned May term of said court, in the record of the proceedings

thereof in said entitled cause before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
FOUR HUNDRED BARRELS OF DISTILLED spirits.

24 Now come again the district attorney, and the claimants by their attorneys, and after hearing the concluding arguments of counsel upon the issue herein, the court takes the same under advisement.

And afterwards, to wit, on the 30th day of September, A. D. 1878, in the July term of said court, in the record of the proceedings thereof in said entitled cause before the Hon. John M. Harlan, one of the justices of the Supreme Court of the United States, is the following entry, to wit:

THE UNITED STATES OF AMERICA
vs.
FOUR HUNDRED BARRELS OF DISTILLED spirits.

This cause having been heretofore set down for hearing upon the record from the district court, and heard by the court and taken under advisement, and the court having considered, and being now sufficiently advised in the premises, affirms the judgment of the district court herein. It is thereupon considered by the court that this cause be dismissed.

25 NORTHERN DISTRICT OF ILLINOIS, *ss:*

I, William H. Bradley, clerk of the circuit court of the United States for said district, do hereby certify the above and foregoing to be a true, correct, and complete transcript of the record of all the proceedings had in said court in the cause wherein the United States of America is the plaintiff and four hundred barrels of distilled spirits is the defendant, as the same appears from the files and records of said court now remaining in my custody and control.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at my office, in Chicago, in said district, this 15th day of October, A. D. 1878, and of our Independence the 103rd year.

[SEAL.] W'M H. BRADLEY, *Clerk.*

26 UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

The United States of America to the judges of the circuit court of the United States for the northern district of Illinois, greeting:

Because in the record and proceedings, as also in the rendition of a judgment in a plea which is before you in said circuit court, between the United States of America, plaintiffs, and four hundred barrels of distilled spirits, defendant, and Joseph Roelle, Anton Junker, and J. P. Kissinger, claimants, a manifest error hath happened, to the great damage of the said The United States of America, as by their complaint ap-

pears, and it being fit that the error, if any there has been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, you are hereby commanded, if judgment be given therein, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of October, A. D. 1878, in the Supreme Court to be then and there held; that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, what of right and according to the law and custom of the United States should be done.

Witness the Hon. Morrison R. Waite, Chief Justice of the Supreme Court of the United States, this thirtieth day of September, in the year of our Lord one thousand eight hundred and seventy-eight, and of the Independence of the United States the 103d year.

[SEAL.] WM H. BBADLEY, *Clerk.*

(Indorsed:) 15089. Supreme Court of the United States. The United States of America, vs. Four hundred bbls. distilled spirits, Joseph Roelle et al., claimants. Writ of error.

27 UNITED STATES OF AMERICA,
Northern District of Illinois, ss:

To Joseph Roelle, Anton Junker, and John P. Kissinger, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be holden at Washington on the second Monday of October, A. D. 1878, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the northern district of Illinois, wherein the United States of America is plaintiff and four hundred barrels of distilled spirits defendant, and Joseph Roelle, Anton Junker, and John P. Kissinger, claimants, to show cause, if any there be, why the errors in said writ mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness the Hon. Henry W. Blodgett, judge, this 10th day of October, in the year of our Lord one thousand eight hundred and seventy-eight.

H. W. BLODGETT, *Judge.*

28 I hereby accept service of the within writ of citation and enter the appearance of the within-named Joseph Roelle, Anton Junker, and John P. Kissinger, claimants.

Chicago, Oct. 10, 1878.

CHAS. H. REED &
EDMUND JUSSEN,
Att'ys for Claimants.

(Indorsed:) 895. Supreme Court of the United States. The United States of America vs. Four hundred barrels distilled spirits, etc. Citation. To October term, A. D. 1878.

I have served the within writ of citation upon Charles H. Reed, attorney of record for the within-named claimants, Joseph Roelle, Anton Junker, and John P. Kissinger, by personally delivering a true copy of the same to said Reed this 10 day of October, A. D. 1878. I also per-

sonally served the same upon Edward Jussen, one of the attorneys, by reading the same to him, this 10 day of October, A. D. 1878.

J. S. HILDRUP,
U. S. Marshal.
D. D. SABIN,
Deputy.

Marshal's fees: 2 service, 4.00.

(Indorsement on cover:) No. 934. The United States, plaintiffs in error, vs. Four hundred barrels of distilled spirits, Joseph Roelle, Anton Junker, & J. P. Kissinger, claimants. N. Illinois C. C. U. S. Filed 21st October, 1878.